

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

|                                |   |                         |
|--------------------------------|---|-------------------------|
| In re:                         | : | x                       |
| AMPAL-AMERICAN ISRAEL          | : | Chapter 7               |
| CORPORATION,                   | : |                         |
| Debtor.                        | : |                         |
| MERHAV AMPAL GROUP, LTD. f/k/a | : |                         |
| MERHAV-AMPAL ENERGY, LTD.,     | : | Adv. No. 14-02385 (SMB) |
| Plaintiff,                     | : |                         |
| v.                             | : |                         |
| MERHAV (M.N.F) LIMITED and     | : |                         |
| YOSEF A. MAIMAN,               | : |                         |
| Defendants.                    | : |                         |

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR SUMMARY JUDGMENT**

Upon the filing of: (i) the Motion by Merhav Ampal Group Ltd. f/k/a Merhav-Ampal Energy, Ltd. (the "Plaintiff") for Summary Judgment on all claims for relief in the Complaint [Docket No. 4], pursuant to Rule 56 of the Federal Rules of Civil Procedure (the "Federal Rules"), Rule 7056 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Bankruptcy Rule 7056-1 of the Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules"), dated December 23, 2014 [Docket No. 12] (the "Motion") with Statement of Undisputed Material Facts for purposes of the Motion [Docket No. 14], Memorandum of Law [Docket Nos. 13 and 24] and Declaration of Shlomi Kelsi in support of the Motion [Docket No. 15], and its Reply Memorandum of Law [Docket No. 22], as supplemented by the Supplemental Memorandum of Law dated February 20, 2015 [Docket No.

25] (collectively the "Motion"); (ii) Defendants' Memorandum of Law in opposition to the Motion, with Declaration of Daniel A. Fliman and Affidavit of Yosef A. Maiman, all submitted in opposition of the Motion [Docket No. 20] with Counter Statement of Undisputed Material Facts [Docket No. 21] (the "Defendants' Opposition," together with the Motion, the "Pleadings") and the Court having reviewed the Pleadings and the relief requested therein; and the Court having considered the arguments and representations of the parties at the hearing held on February 10, 2015; and after due deliberation and sufficient cause appearing therefore, and for the reasons set forth by the Court in its Opinion dated September 2, 2015 [Docket No. 38],

NOW THEREFORE, it is hereby ordered, adjudged and decreed, as follows:

1. The Plaintiff's motion for summary judgment is granted.
2. The Plaintiff is awarded judgment against defendant Merhav (M.N.F.) Limited and defendant Yosef A. Maiman for damages in the amount of \$28,085,157, plus additional prejudgment interest of \$6,478 per diem from September 15, 2015 until the date of entry of the Judgment, plus post-judgment interest thereafter which shall accrue at the current legal rate allowed under 28 U.S.C. § 1961 as of the date of the Judgment until said Judgment is satisfied.
3. The Plaintiff is further awarded the taxable costs and disbursements of this action as against defendant Merhav (M.N.F.) Limited and defendant Yosef A. Maiman and is entitled to recover the costs and expenses, including reasonable attorneys' fees, incurred in connection with the Complaint, pursuant to a motion to be made under Rule 54(d)(2) of the Federal Rules, as made applicable by Bankruptcy Rule 7054, within thirty (30) days after the entry of Judgment.
4. Pursuant to Rule 54(b) of the Federal Rules, as made applicable by Bankruptcy Rule 7054, the Clerk is directed to enter a final Judgment forthwith in the form annexed hereto as Exhibit 1, in favor of the Plaintiff and against each of the Defendants.

5. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: New York, New York  
September 21<sup>st</sup>, 2015

/s/ STUART M. BERNSTEIN  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE

**EXHIBIT 1**

**JUDGMENT**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

|                                |                           |
|--------------------------------|---------------------------|
| -----                          | x                         |
| In re:                         | : Chapter 7               |
|                                | :<br>:                    |
| AMPAL-AMERICAN ISRAEL          | : Case No. 12-13689 (SMB) |
| CORPORATION,                   | :<br>:                    |
|                                | :<br>:                    |
| Debtor.                        | :<br>:                    |
| -----                          | x                         |
| MERHAV AMPAL GROUP, LTD. f/k/a | : Adv. No. 14-02385 (SMB) |
| MERHAV-AMPAL ENERGY, LTD.,     | :<br>:                    |
|                                | :<br>:                    |
| Plaintiff,                     | :<br>:                    |
|                                | :<br>:                    |
| v.                             | :<br>:                    |
|                                | :<br>:                    |
| MERHAV (M.N.F) LIMITED and     | :<br>:                    |
| YOSEF A. MAIMAN,               | :<br>:                    |
|                                | :<br>:                    |
| Defendants.                    | :<br>:                    |
| -----                          | x                         |

**JUDGMENT**

The Court having entered an Order Granting Plaintiff's Motion for Summary Judgment on September \_\_\_, 2015; and the Court having jurisdiction over the subject matter of this proceeding and the parties hereto, a final Judgment is entered pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, made applicable by Rule 7054 of the Federal Rules of Bankruptcy Procedure, against the Defendants in favor of the Plaintiff as follows:

6. Final Judgment is hereby entered in favor of Plaintiff and against defendant Merhav (M.N.F.) Limited and defendant Yosef A. Maiman for damages in the amount of \$28,085,157, plus additional prejudgment interest of \$6,478 per diem from September 15, 2015 until the date of entry of this Judgment, plus post-judgment interest thereafter which shall accrue

at the current legal rate allowed under 28 U.S.C. § 1961 as of the date of the Judgment until this Judgment is satisfied.

7. The Plaintiff is further awarded the taxable costs and disbursements of this action as against defendant Merhav (M.N.F.) Limited and defendant Yosef A. Maiman, and is entitled to recover the costs and expenses, including reasonable attorneys' fees, incurred in connection with the Complaint, pursuant to a motion to be made under Rule 54(d)(2) of the Federal Rules of Civil Procedure within thirty (30) days after the entry of this Judgment.

Dated: New York, New York  
September \_\_, 2015

**PROPOSED**

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CLERK OF THE BANKRUPTCY COURT